

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. 10/811,623
Confirmation No. 2729
Applicant: Gigl et al.
Filed: March 29, 2004
Title: Crucibles for a microwave sintering furnace
Art Unit: 3742
Docket: 133208-1041
Customer No.: 32914

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY TO NON-FINAL OFFICE ACTION

Dear Sir:

This paper is in reply to the restriction and election requirement in the Office action mailed November 29, 2007.

Applicants elect with traverse the claims of group II, namely claims 10-19, for examination.

The examiner asserts that group I (claims 1-9) and group II (claims 10-19) are patentably distinct for the reason that apparatus claims of group I can be “used to practice a process with or without a sialon container.” Apparatus claims 1-9 recite a container comprised of predominately one or more materials selected from the group of silicon nitride and alloys of silicon nitride.

Similarly, method claims 10-19 require use of a container comprised of predominately one or more materials selected from the group of silicon nitride and alloys of silicon nitride. The inventions of group I and group II can thus each be practiced with or without sialon, which is alloy of silicon nitride. Therefore, it is respectfully submitted that the reasoning for the distinction does not appear to be consistent with the claims. Applicant respectfully submits that groups I and II should be examined together.

Claim 20 was not addressed by the examiner in the restriction and therefore is assumed by the undersigned representative not to be subject to a restriction and will be examined. However, in a telephone conversation on January 28, 2008, the examiner suggested that this was a mistake and that there should be a third group comprised of claim 20, which is limited to a method practiced with a container comprised of sialon. However, it was not clear to the undersigned representative whether the examiner would be withdrawing the prior restriction and substituting a new restriction between claims 1-19 and claim 20. Therefore, applicants are limiting their reply to the restriction contained in the Office action of November 29, 2007.

By this response applicants are not suggesting that an invention practiced with a container comprised sialon is not patentably distinct from an invention practiced with a container made from any other alloy of silicon nitride or from silicon nitride.

Applicant hereby authorizes the Commissioner to charge any fees due but not submitted with this paper to Deposit Account No. 07-0153.

Respectfully submitted,

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ATTORNEY FOR PATENT OWNER

Dated: January 29, 2008

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